

Amendment under 37 C.F.R. §1.114
Attorney Docket No.: 053451
Application No.: 10/560,033

REMARKS

Claims 1 and 3-14 are pending in the present application. Claims 1, 7, 11 and 12 are herein amended. Claim 2 is herein cancelled. Claims 13 and 14 are newly added. No new matter has been entered.

Support for new claims 13 and 14 is in the specification at page 17, lines 4-5.

Information Disclosure Statement

The Office Action indicates that no translations were provided for references listed in the Information Disclosure Statement ("IDS") filed June 26, 2008. However, as indicated on the form PTO/SB/08, these references were cited in the International Search Report. The International Search Report was submitted with the IDS of December 8, 2005.

According to the MPEP, the requirement for a concise explanation of relevance of a reference can be satisfied by submitting an English-language version of a search report by a foreign patent office indicating the degree of relevance found by the foreign office. MPEP § 609.04(a)(III).

Thus, the International Search Report submitted December 8, 2005 satisfies the requirement for providing a concise explanation of relevance of the references listed in the IDS filed June 26, 2008. Consideration of these references is requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 4-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** (US 2002/0155277) in view of **Arjunan** (WO 98/44043); claim 2 was rejected under 35

Amendment under 37 C.F.R. §1.114
Attorney Docket No.: 053451
Application No.: 10/560,033

U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and in further view of **Ikeda** (US 6,214,476); claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and in further view of **Tanaka** (US 5,695,838); and claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and in further view of **Hoffman** (US 4,416,714).

Favorable reconsideration is requested.

Claims 1, 7, 11 and 12 have been amended to recite that the propylene- α -olefin random copolymer includes a petroleum resin in an amount of 5 to 70 parts by mass per 100 parts by mass of the propylene- α -olefin random copolymer for increasing the heat shrinkage in the lateral direction. Support for the amendment is in the specification at, *e.g.*, page 12.

(1) Applicants respectfully submit that none of Ishige, Arjunan, Ikeda or Hoffman teach or suggest

wherein the propylene- α -olefin random copolymer that constitutes the intermediate film layer includes a petroleum resin in an amount of 5 to 70 parts by mass per 100 parts by mass of the propylene- α -olefin random copolymer in order to increase the heat shrinkage in the lateral direction

as recited in amended claims 1, 7, 11 and 12, and that this feature would not have been obvious.

The Office Action cites layer A with organic filler as corresponding to the intermediate layer as recited in the claims. (Office Action, pages 4-5.) The Office Action acknowledges that Ishige does not teach the use of petroleum resins with the propylene random copolymer. (Office Action, page 7.) The Office Action cites Ikeda for teaching this feature.

Amendment under 37 C.F.R. §1.114
Attorney Docket No.: 053451
Application No.: 10/560,033

Ikeda discloses the use of a petroleum resin as a tackifier. (Col. 6, lines 48-54.) However, it would not have been obvious to one of ordinary skill in the art to add a petroleum resin to the copolymer of layer A disclosed in Ishige because there is no need for a tackifier in Ishige.

None of the references disclose the use of a petroleum resin with a propylene- α -olefin random copolymer for increasing the heat shrinkage in the lateral direction, and it would not have been obvious to add petroleum resin to layer A of Ishige.

(2) Applicants respectfully submit that none of Ishige, Arjunan, Ikeda or Hoffman teach or suggest “wherein the stretching ratio of the multi-layered heat-shrinkable film is from 4.5 to 5.5 times” as recited in amended claims 1 and 7; or “wherein the stretching ratio of the heat shrinkable label is from 4.5 to 5.5 times” as recited in amended claims 11 and 12.

Support for these newly added limitations is in the specification at page 17, lines 4-5.

Double Patenting

Claims 1 and 7 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 11/596,678. Favorable reconsideration is requested.

Applicants respectfully submit that claims 1 and 2 of the ‘678 application do not teach or suggest:

wherein the propylene- α -olefin random copolymer that constitutes the intermediate film layer includes a petroleum resin in an amount of 5 to 70 parts by mass per 100 parts by mass of the propylene- α -olefin random copolymer in order to increase the heat shrinkage in the lateral direction

Amendment under 37 C.F.R. §1.114
Attorney Docket No.: 053451
Application No.: 10/560,033

as recited in amended claims 1 and 7, and that this feature would not have been obvious.


For at least the foregoing reasons, claims 1 and 3-14 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1 and 3-14 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adp